

By the Committees on Appropriations; and Infrastructure and Security; and Senator Diaz

576-04624-19

2019898c2

1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; conforming provisions to changes made by the
4 act; amending s. 112.3144, F.S.; deleting an obsolete
5 provision; requiring members of certain authorities to
6 comply with certain financial disclosure requirements;
7 amending s. 215.68, F.S.; conforming provisions to
8 changes made by the act; reviving, reenacting, and
9 amending s. 319.141, F.S.; redefining the term
10 "rebuilt inspection services"; revising requirements
11 related to the Pilot Rebuilt motor vehicle inspection
12 program; providing requirements for participants;
13 providing rulemaking authority; providing reporting
14 requirements; providing for future repeal of the
15 program; amending s. 334.175, F.S.; requiring the
16 Department of Transportation to approve design plans
17 for all transportation projects relating to
18 department-owned rights-of-way under certain
19 circumstances; amending s. 337.025, F.S.; authorizing
20 the department to establish a program for
21 transportation projects that demonstrate certain
22 innovative techniques for measuring resiliency and
23 structural integrity and controlling time and cost
24 increases; providing requirements for proposed
25 projects; amending s. 338.165, F.S.; deleting cross-
26 references; amending s. 338.166, F.S.; limiting the
27 toll rate for high-occupancy toll lanes or express
28 lanes in certain counties; requiring a certain report;
29 amending s. 339.175, F.S.; revising the membership of

576-04624-19

2019898c2

30 the metropolitan planning organization in certain
31 counties; prohibiting the metropolitan planning
32 organization in such counties from charging a certain
33 fee; amending s. 343.1003, F.S.; revising a cross-
34 reference; repealing part I of chapter 348, F.S.,
35 relating to the creation and operation of the Florida
36 Expressway Authority Act; creating part I of Ch. 348,
37 F.S.; titled "Greater Miami Expressway Agency";
38 creating s. 348.0301, F.S.; providing a short title;
39 creating s. 348.0302, F.S.; providing applicability;
40 creating s. 348.0303, F.S.; providing definitions;
41 creating s. 348.0304, F.S.; creating the Greater Miami
42 Expressway Agency; providing for membership on the
43 governing body of the agency; providing restrictions
44 on membership; providing for executive officers;
45 providing quorum requirements; requiring the initial
46 meeting of the governing body by a date certain;
47 requiring an oath of office; authorizing certain
48 employees; authorizing the delegation of certain
49 functions; providing that members of the agency are
50 not entitled to compensation, but are entitled to
51 specified expenses; creating 348.0305, F.S.; providing
52 ethics requirements for the agency; providing that a
53 specified chapter in law is applicable; prohibiting
54 lobbyists from serving on the governing body;
55 prohibiting persons with certain interests from being
56 appointed to the governing body; providing certain
57 prohibitions for members and employees of the agency;
58 providing certain post-employment restrictions;

576-04624-19

2019898c2

59 requiring an ethics officer; prohibiting the use of
60 specified positions for certain purposes; providing
61 disclosure requirements; requiring specified policies
62 and training; providing applicability; providing
63 penalties; creating s 348.0306, F.S.; providing agency
64 purposes and powers; requiring the construction of
65 expressways; providing specified powers of the agency;
66 prohibiting an increase in toll rates until a
67 specified date; requiring a supermajority vote for an
68 increase in toll rates; providing a limit to
69 administrative costs; requiring the Florida
70 Transportation Commission to determine average
71 administrative costs; requiring a minimum distance
72 between tolling points; providing that the change in
73 distances may be revenue neutral; providing
74 reimbursement and refund requirements; providing
75 requirements for agency projects; requiring certain
76 written consent for the use or pledge of county
77 gasoline tax funds; providing requirements for the
78 filing of certain reports or documentation;
79 prohibiting construction by the agency under certain
80 circumstances; requiring an annual financial audit and
81 audit report, subject to certain requirements;
82 creating s. 348.0307, F.S.; creating the Florida
83 Sunshine Rebate Program; requiring the agency to
84 provide specified rebates to specified SunPass
85 holders; providing for automatic eligibility;
86 providing for an opt-out provision; creating s.
87 348.0308, F.S.; providing a legislative declaration;

576-04624-19

2019898c2

88 authorizing the agency to enter into certain public-
89 private partnership agreements; authorizing
90 solicitation or receipt of certain proposals;
91 providing rulemaking authority; providing approval
92 requirements; requiring certain costs to be borne by
93 the private entity; providing notice requirements for
94 requests for proposals; providing for ranking and
95 negotiation of proposals; requiring the agency to
96 regulate tolls on certain facilities; requiring
97 compliance with specified laws, rules, and conditions;
98 providing for development, construction, operation,
99 and maintenance of transportation projects by the
100 agency or private entities; providing construction;
101 creating s. 348.0309, F.S.; authorizing the agency to
102 have bonds issued as provided in the State Bond Act;
103 authorizing the agency to issue its own bonds;
104 providing requirements for the issuance of such bonds;
105 requiring the sale of bonds at a public sale;
106 providing an exception; requiring Legislative approval
107 of certain indebtedness; creating s. 348.0310, F.S.;
108 providing the Department of Transportation may be
109 appointed as an agent of the agency for construction;
110 requiring the agency to provide specified documents to
111 the department; creating s. 348.0311, F.S.;
112 authorizing the authority to acquire land and
113 property; authorizing specified persons to enter upon
114 specified properties; providing for eminent domain
115 authority; prohibiting certain liability of the
116 agency; authorizing certain interagency agreements

576-04624-19

2019898c2

117 between the agency and the Department of Environmental
118 Protection; creating s. 348.0312, F.S.; authorizing
119 cooperation with other units of government and
120 individuals; creating s. 348.0313, F.S.; providing a
121 covenant of the state that it will not change certain
122 laws; creating s. 348.0314, F.S.; providing an
123 exemption from taxation; creating s. 348.0315, F.S.;
124 requiring specified documents to be posted on the
125 agency's website; requiring a certain report; creating
126 s. 348.0316, F.S.; providing that specified bonds or
127 obligations are eligible investments for certain
128 purposes; creating s. 348.0317, F.S.; providing that
129 specified pledges are enforceable by bondholders;
130 creating s. 348.0318, F.S.; providing additional
131 authority; transferring the assets and liabilities of
132 the Miami-Dade County Expressway Authority to the
133 Greater Miami Expressway Agency; providing terms of
134 the transfer; providing that the agency succeeds to
135 all powers of the authority; providing that revenues
136 collected on the expressway system are agency
137 revenues; requiring the agency, in consultation with
138 the Division of Bond Finance, to review certain
139 documents of the agency; providing terms and
140 conditions of the transfer; providing for the
141 dissolution of the Miami-Dade County Expressway
142 Authority; creating ss. 348.635 and 348.7605, F.S.;
143 providing a legislative declaration; authorizing the
144 Tampa-Hillsborough County Expressway Authority and the
145 Central Florida Expressway Authority, respectively, to

576-04624-19

2019898c2

146 enter into public-private partnership agreements;
147 authorizing solicitation or receipt of certain
148 proposals; providing rulemaking authority; providing
149 approval requirements; requiring certain costs to be
150 borne by the private entity; providing notice
151 requirements for requests for proposals; providing for
152 ranking and negotiation of proposals; requiring the
153 authorities to regulate tolls on certain facilities;
154 requiring compliance with specified laws, rules, and
155 conditions; providing for development, construction,
156 operation, and maintenance of transportation projects
157 by the authorities or private entities; providing
158 construction; repealing part V of ch. 348, F.S.,
159 relating to the Osceola County Expressway Authority
160 Law; requiring the Office of Program Policy Analysis
161 and Government Accountability to submit a certain
162 report; providing effective dates.

163

164 Be It Enacted by the Legislature of the State of Florida:

165

166 Section 1. Paragraph (b) of subsection (2) of section
167 20.23, Florida Statutes, is amended to read:

168 20.23 Department of Transportation.—There is created a
169 Department of Transportation which shall be a decentralized
170 agency.

171 (2)

172 (b) The commission shall:

173 1. Recommend major transportation policies for the
174 Governor's approval and assure that approved policies and any

576-04624-19

2019898c2

175 revisions are properly executed.

176 2. Periodically review the status of the state
177 transportation system including highway, transit, rail, seaport,
178 intermodal development, and aviation components of the system
179 and recommend improvements to the Governor and the Legislature.

180 3. Perform an in-depth evaluation of the annual department
181 budget request, the Florida Transportation Plan, and the
182 tentative work program for compliance with all applicable laws
183 and established departmental policies. Except as specifically
184 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
185 not consider individual construction projects, but shall
186 consider methods of accomplishing the goals of the department in
187 the most effective, efficient, and businesslike manner.

188 4. Monitor the financial status of the department on a
189 regular basis to assure that the department is managing revenue
190 and bond proceeds responsibly and in accordance with law and
191 established policy.

192 5. Monitor on at least a quarterly basis, the efficiency,
193 productivity, and management of the department using performance
194 and production standards developed by the commission pursuant to
195 s. 334.045.

196 6. Perform an in-depth evaluation of the factors causing
197 disruption of project schedules in the adopted work program and
198 recommend to the Governor and the Legislature methods to
199 eliminate or reduce the disruptive effects of these factors.

200 7. Recommend to the Governor and the Legislature
201 improvements to the department's organization in order to
202 streamline and optimize the efficiency of the department. In
203 reviewing the department's organization, the commission shall

576-04624-19

2019898c2

204 determine if the current district organizational structure is
205 responsive to this state's changing economic and demographic
206 development patterns. The initial report by the commission must
207 be delivered to the Governor and the Legislature by December 15,
208 2000, and each year thereafter, as appropriate. The commission
209 may retain experts as necessary to carry out this subparagraph,
210 and the department shall pay the expenses of the experts.

211 8. Monitor the efficiency, productivity, and management of
212 the agencies and authorities created under chapters 348 and 349,
213 ~~including any authority formed using part I of chapter 348;~~ the
214 Mid-Bay Bridge Authority re-created pursuant to chapter 2000-
215 411, Laws of Florida; and any authority formed under chapter
216 343. The commission shall also conduct periodic reviews of each
217 authority's operations and budget, acquisition of property,
218 management of revenue and bond proceeds, and compliance with
219 applicable laws and generally accepted accounting principles.

220 Section 2. Subsection (1) of section 112.3144, Florida
221 Statutes, is amended to read:

222 112.3144 Full and public disclosure of financial
223 interests.—

224 (1) (a) An officer who is required by s. 8, Art. II of the
225 State Constitution to file a full and public disclosure of his
226 or her financial interests for any calendar or fiscal year shall
227 file that disclosure with the Florida Commission on Ethics.
228 Additionally, ~~beginning January 1, 2015,~~ an officer who is
229 required to complete annual ethics training pursuant to s.
230 112.3142 must certify on his or her full and public disclosure
231 of financial interests that he or she has completed the required
232 training.

576-04624-19

2019898c2

233 (b) A member of an expressway authority, transportation
234 authority, bridge authority, toll authority, or transportation
235 agency created pursuant to chapter 343, chapter 348, or any
236 other general law shall comply with the applicable financial
237 disclosure requirements of s. 8, Art. II of the State
238 Constitution.

239 Section 3. Subsection (2) of section 215.68, Florida
240 Statutes, is amended to read:

241 215.68 Issuance of bonds; form; maturity date, execution,
242 sale.—

243 (2) Such bonds may:

244 (a) Be issued in either coupon form or registered form or
245 both;

246 (b) Have such date or dates of issue and such maturities,
247 not exceeding in any event 40 years from the date of issuance
248 thereof;

249 (c) Bear interest at a rate or rates not exceeding the
250 interest rate limitation set forth in s. 215.84(3);

251 (d) Have such provisions for registration of coupon bonds
252 and conversion and reconversion of bonds from coupon to
253 registered form or from registered form to coupon form;

254 (e) Have such provisions for payment at maturity and
255 redemption before ~~prior to~~ maturity at such time or times and at
256 such price or prices; and

257 (f) Be payable at such place or places within or without
258 the state as the board shall determine by resolution.

259

260 ~~The foregoing terms and conditions do not supersede the~~
261 ~~limitations provided in chapter 348, part I, relating to the~~

576-04624-19

2019898c2

262 ~~issuance of bonds.~~

263 Section 4. Notwithstanding the repeal of section 319.141,
264 Florida Statutes, which occurred on July 1, 2018, that section
265 is revived, reenacted, and amended, to read:

266 319.141 Pilot Rebuilt motor vehicle inspection program.—

267 (1) As used in this section, the term:

268 (a) "Facility" means a rebuilt motor vehicle inspection
269 facility authorized and operating under this section.

270 (b) "Rebuilt inspection services" means an examination of a
271 rebuilt vehicle and a properly endorsed certificate of title,
272 salvage certificate of title, or manufacturer's statement of
273 origin and an application for a rebuilt certificate of title, a
274 rebuilder's affidavit, a photograph of the junk or salvage
275 vehicle taken before repairs began, if available, a photograph
276 of the interior driver and passenger side of the vehicle if
277 airbags were previously deployed and replaced, receipts or
278 invoices for all major component parts, as defined in s. 319.30,
279 and repairs which were changed, and proof that notice of
280 rebuilding of the vehicle has been reported to the National
281 Motor Vehicle Title Information System.

282 (2) By October 1, 2019 ~~July 1, 2015~~, the department shall
283 implement ~~oversee~~ a pilot program in Miami-Dade County ~~to~~
284 ~~evaluate alternatives~~ for rebuilt inspection services offered by
285 existing private sector participants. The department may select
286 up to four applicants who are deemed, at its discretion, to be
287 most qualified operators, ~~including the continued use of private~~
288 ~~facilities, the cost impact to consumers, and the potential~~
289 ~~savings to the department.~~

290 (3) Upon selection, each participant shall enter into ~~The~~

576-04624-19

2019898c2

291 ~~department shall establish~~ a memorandum of understanding with
292 the department which ~~that~~ allows the participant ~~private parties~~
293 ~~participating in the pilot program~~ to conduct rebuilt motor
294 vehicle inspections; ~~and~~ specifies requirements for oversight,
295 bonding and insurance, procedures, and forms; and requires the
296 electronic transmission of documents. The department may examine
297 all records pertaining to any inspection or related service
298 performed under the pilot program.

299 (4) Before a participant ~~an applicant~~ is allowed to furnish
300 such rebuilt inspection program approved, the department must
301 ~~shall~~ ensure that the participant ~~applicant~~ meets basic criteria
302 designed to protect the public. At a minimum, the applicant
303 shall meet all of the following requirements:

304 (a) Have and maintain a surety bond or irrevocable letter
305 of credit in the amount of \$100,000 executed in favor of the
306 department. Such surety bond or letter of credit must be issued
307 by entities licensed to do business in this state ~~by the~~
308 ~~applicant.~~

309 (b) Secure and maintain a facility at a permanent fixed
310 structure, as evidenced by proof of ownership or written lease
311 at an address identified by a county-issued tax folio number and
312 recognized by the United States Postal Service where the only
313 services provided on such property are rebuilt inspection
314 services. The facility must have permanent signage that
315 advertises that only private rebuilt inspection services are
316 provided at that location and must have posted business hours, a
317 designated office area and customer waiting area, a rebuilt
318 inspection area separate and visually obstructed from any area
319 accessible to the customer, surveillance cameras with recording

576-04624-19

2019898c2

320 capabilities for the rebuilt inspection areas, and sufficient
321 on-site customer parking. The location must be large enough to
322 accommodate all of the vehicles being inspected and must have a
323 covered area to accommodate at least two vehicles during
324 inclement weather. The participant ~~operator of a facility~~ shall
325 annually attest that he or she is not employed by or does not
326 have an ownership interest in or other financial arrangement
327 with the owner, operator, manager, or employee of a motor
328 vehicle repair shop as defined in s. 559.903, a motor vehicle
329 dealer as defined in s. 320.27(1)(c), a towing company, a
330 vehicle storage company, a vehicle auction, an insurance
331 company, a salvage yard, a metal retailer, or a metal rebuilder,
332 from which he or she receives remuneration, directly or
333 indirectly, for the referral of customers for rebuilt inspection
334 services; he or she does not have a direct or indirect interest
335 in any motor vehicle that a facility has inspected or proposes
336 to inspect; there have been no changes to the ownership
337 structure of the approved facility; and the only services being
338 provided by such participant at the facility are rebuilt
339 inspection services. Only a participant selected and approved by
340 the department may charge or receive a fee for providing or
341 facilitating such services.

342 (c) Have and maintain garage liability insurance coverage
343 with at least \$100,000 single-limit liability coverage that
344 includes bodily injury and property damage protection, and any
345 other insurance required by the department.

346 (d) Have completed criminal background checks of the
347 owners, partners, and corporate officers and the inspectors
348 employed by the facility which demonstrate that such persons

576-04624-19

2019898c2

349 have not pled guilty or nolo contendere to or been convicted of
350 a felony, or been incarcerated for a felony in the last 10
351 years.

352 (e) A participant may not conduct an inspection of a
353 vehicle in complete rebuilt condition without prior approval by
354 the department. No person or entity, other than the department
355 or participant authorized by the department, may conduct rebuilt
356 inspection services.

357 (f)~~(e)~~ Meet any additional criteria the department
358 determines necessary to conduct proper inspections.

359 (5) A participant in the program shall access vehicle and
360 title information and enter inspection results through an
361 electronic filing system authorized by the department and shall
362 maintain records of each rebuilt vehicle inspection processed at
363 such facility for at least 5 years.

364 (6) An applicant that fails an initial rebuilt inspection
365 may only have that vehicle re-inspected by the department or the
366 facility that conducted the original inspection.

367 (7)~~(6)~~ The department shall conduct an on-site facility
368 inspection at least once per quarter and shall immediately
369 terminate any participant ~~operator~~ from the program who fails to
370 meet the minimum eligibility requirements specified in
371 subsection (4). Before a change in ownership of a rebuilt
372 inspection facility, the current operator must give the
373 department 45 days' written notice of the intended sale or
374 transfer. The prospective owner must meet the eligibility
375 requirements of this section and execute a new memorandum of
376 understanding with the department before operating the facility.

377 (8) The department may adopt rules pursuant to ss.

576-04624-19

2019898c2

378 120.536(1) and 120.54 to implement and enforce this section. The
379 department shall also have the nonexclusive power to define by
380 rule, any term, whether or not used in this section, insofar as
381 the definition is not inconsistent with this section.

382 (9) On or before July 1, 2021, the department shall submit
383 a written report to the President of the Senate and the Speaker
384 of the House of Representatives evaluating the effectiveness of
385 the program and recommending whether to expand the program into
386 other counties.

387 (10)~~(7)~~ This section is repealed on July 1, 2022 ~~2018~~,
388 unless saved from repeal through reenactment by the Legislature.

389 Section 5. Section 334.175, Florida Statutes, is amended to
390 read:

391 334.175 Certification of project design plans and surveys.—

392 (1) All design plans and surveys prepared by or for the
393 department shall be signed, sealed, and certified by the
394 professional engineer or surveyor or architect or landscape
395 architect in responsible charge of the project work. Such
396 professional engineer, surveyor, architect, or landscape
397 architect must be duly registered in this state.

398 (2) Regardless of their funding source, the department
399 shall approve the design plans for all transportation projects
400 on, under, over, or abutting a department-owned right-of-way
401 which meet the department's design standards.

402 Section 6. Section 337.025, Florida Statutes, is amended to
403 read:

404 337.025 Innovative transportation ~~highway~~ projects;
405 department to establish program.—

406 (1) The department may ~~is authorized to~~ establish a program

576-04624-19

2019898c2

407 for transportation ~~highway~~ projects demonstrating innovative
408 techniques of highway and bridge design, construction,
409 maintenance, and finance which have the intended effect of
410 measuring resiliency and structural integrity and controlling
411 time and cost increases on construction projects. Such
412 techniques may include, but are not limited to, state-of-the-art
413 technology for pavement, safety, and other aspects of highway
414 and bridge design, construction, and maintenance; innovative
415 bidding and financing techniques; accelerated construction
416 procedures; and those techniques that have the potential to
417 reduce project life cycle costs. To the maximum extent
418 practical, the department must use the existing process to award
419 and administer construction and maintenance contracts. When
420 specific innovative techniques are to be used, the department is
421 not required to adhere to those provisions of law that would
422 prevent, preclude, or in any way prohibit the department from
423 using the innovative technique. However, before ~~prior to~~ using
424 an innovative technique that is inconsistent with another
425 provision of law, the department must document in writing the
426 need for the exception and identify what benefits the traveling
427 public and the affected community are anticipated to receive.
428 The department may enter into no more than \$120 million in
429 contracts annually for the purposes authorized by this section.
430 All proposed projects, including all different alternatives,
431 must be designed and constructed using the English system of
432 units. The proposed design speed must be 70 miles per hour. The
433 plans and specifications must be prepared in accordance with the
434 department's most recent design standards, Plans Preparation
435 Manual, and drainage manual, Flexible Pavement Design Manual,

576-04624-19

2019898c2

436 the American Association of State Highway Transportation
437 Officials, and all current department memorandums.

438 (2) The annual cap on contracts provided in subsection (1)
439 shall not apply to:

440 (a) Turnpike enterprise projects, and turnpike enterprise
441 projects shall not be counted toward the department's annual
442 cap.

443 (b) Transportation projects funded by the American Recovery
444 and Reinvestment Act of 2009.

445 Section 7. Subsections (2) and (5) of section 338.165,
446 Florida Statutes, are amended to read:

447 338.165 Continuation of tolls.—

448 (2) If the revenue-producing project is on the State
449 Highway System, any remaining toll revenue shall be used for the
450 construction, maintenance, or improvement of any road on the
451 State Highway System within the county or counties in which the
452 revenue-producing project is located, ~~except as provided in s.~~
453 ~~348.0004.~~

454 (5) If the revenue-producing project is on the county road
455 system, any remaining toll revenue shall be used for the
456 construction, maintenance, or improvement of any other state or
457 county road within the county or counties in which the revenue-
458 producing project is located, ~~except as provided in s. 348.0004.~~

459 Section 8. Subsections (5) and (6) of section 338.166,
460 Florida Statutes, are renumbered as subsections (6) and (7),
461 respectively, present subsection (7) of that section is
462 renumbered as subsection (9) and amended, and new subsection (5)
463 and subsection (8) are added to that section, to read:

464 338.166 High-occupancy toll lanes or express lanes.—

576-04624-19

2019898c2

465 (5) Notwithstanding any other provision of law to the
466 contrary, in a county as defined in s. 125.011(1), a toll for a
467 high-occupancy toll lane or express lane may not exceed \$1.25
468 per mile.

469 (8) Beginning on October 1, 2020, and annually thereafter,
470 the department, including the Florida Turnpike Enterprise, shall
471 submit to the board of county commissioners of a county as
472 defined in s. 125.011(1) and to the metropolitan planning
473 organization for that county a report providing information
474 regarding the amount of tolls collected in that county and how
475 those tolls were used in the previous fiscal year.

476 (9)-(7) Except for subsections (5) and (8), this section
477 does not apply to the turnpike system as defined under the
478 Florida Turnpike Enterprise Law.

479 Section 9. Paragraph (d) of subsection (3) and paragraph
480 (f) of subsection (6) of section 339.175, Florida Statutes, are
481 amended to read:

482 339.175 Metropolitan planning organization.—

483 (3) VOTING MEMBERSHIP.—

484 (d) Any other provision of this section to the contrary
485 notwithstanding, any county as defined in s. 125.011(1)
486 ~~chartered under s. 6(c), Art. VIII of the State Constitution~~ may
487 elect to have its county commission serve as the M.P.O., if the
488 M.P.O. jurisdiction is wholly contained within the county. Any
489 charter county that elects to exercise the provisions of this
490 paragraph shall so notify the Governor in writing. Upon receipt
491 of such notification, the Governor must designate the county
492 commission as the M.P.O. The Governor must appoint three ~~four~~
493 additional voting members to the M.P.O., one of whom must be an

576-04624-19

2019898c2

494 elected official representing a municipality within the county,
495 one of whom must be a member of the governing body from the
496 agency created in part I of chapter 348, an expressway authority
497 ~~member, one of whom must be a person who does not hold elected~~
498 ~~public office and who resides in the unincorporated portion of~~
499 ~~the county,~~ and one of whom must be a school board member.

500 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
501 privileges, and authority of an M.P.O. are those specified in
502 this section or incorporated in an interlocal agreement
503 authorized under s. 163.01. Each M.P.O. shall perform all acts
504 required by federal or state laws or rules, now and subsequently
505 applicable, which are necessary to qualify for federal aid. It
506 is the intent of this section that each M.P.O. shall be involved
507 in the planning and programming of transportation facilities,
508 including, but not limited to, airports, intercity and high-
509 speed rail lines, seaports, and intermodal facilities, to the
510 extent permitted by state or federal law.

511 (f)1. The department shall allocate to each M.P.O., for the
512 purpose of accomplishing its transportation planning and
513 programming duties, an appropriate amount of federal
514 transportation planning funds.

515 2. In a county as defined in s. 125.011(1), the M.P.O. may
516 not assess any fees on municipalities, counties, or other
517 governmental entities that are members of the M.P.O.

518 Section 10. Subsection (6) of section 343.1003, Florida
519 Statutes, is amended to read:

520 343.1003 Northeast Florida Regional Transportation
521 Commission.—

522 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(c),~~

576-04624-19

2019898c2

523 members of the board shall file a statement of financial
524 interests ~~interest~~ with the Commission on Ethics pursuant to s.
525 112.3145.

526 Section 11. Sections 348.0001, 348.0002, 348.0003,
527 348.0004, 348.0005, 348.0007, 348.0008, 348.0009, 348.0010,
528 348.0011, 348.00115, and 348.0012, Florida Statutes, are
529 repealed.

530 Section 12. Part I of chapter 348, Florida Statutes, is
531 redesignated as "Greater Miami Expressway Agency" and the
532 following sections are created within that part: ss. 348.0301,
533 348.0302, 348.0303, 348.0304, 38.0305, 348.0306, 348.0307,
534 348.0308, 348.0309, 348.0310, 348.0311, 348.0312, 348.0313,
535 348.0314, 348.0315, 343.0316, 343.0317, and 343.0318, Florida
536 Statutes.

537 Section 13. Section 348.0301, Florida Statutes, is created
538 to read:

539 348.0301 Short title.—This part may be cited as the
540 "Greater Miami Expressway Agency Act."

541 Section 14. Section 348.0302, Florida Statutes, is created
542 to read:

543 348.0302 Applicability.—This part applies only to a county
544 as defined in s. 125.011(1).

545 Section 15. Section 348.0303, Florida Statutes, is created
546 to read:

547 348.0303 Definitions.—As used in the this part, the term:

548 (1) "Agency" means the Greater Miami Expressway Agency.

549 (2) "Agency of the state" means and includes the state and
550 any department of, or corporation, agency, or instrumentality
551 created, designated, or established by, the state.

576-04624-19

2019898c2

552 (3) "Bonds" means and includes the notes, bonds, refunding
553 bonds, or other evidences of indebtedness or obligations, in
554 either temporary or definitive form, which the agency issues
555 pursuant to this part.

556 (4) "County" means a county as defined in s. 125.011(1),
557 F.S.

558 (5) "County gasoline tax funds" means all the 80-percent
559 surplus gasoline tax funds accruing in each year to the
560 department for use within the geographic boundaries of the
561 agency under the provisions of s. 9, Art. XII of the State
562 Constitution, after deduction only of any amounts of such
563 gasoline tax funds heretofore pledged by the department or a
564 county for outstanding obligations.

565 (6) "Department" means the Department of Transportation.

566 (7) "Express written consent" means prior express written
567 consent given in the form of a resolution adopted by a board of
568 county commissioners.

569 (8) "Expressway" means a street or highway especially
570 designed for through traffic and over, from, or to which owners
571 or occupants of abutting land or other persons have no right or
572 easement or only a limited right or easement of access, light,
573 air, or view by reason of the fact that their property abuts
574 upon such limited access facility or for any other reason. Such
575 highways or streets may be facilities from which trucks, buses,
576 and other commercial vehicles are excluded; or they may be
577 facilities open to use by all customary forms of street and
578 highway traffic.

579 (9) "Expressway system" means any and all expressways
580 within the geographic boundaries of the agency and any

576-04624-19

2019898c2

581 appurtenant facilities, including, but not limited to, all
582 approaches, roads, bridges, and avenues of access for such
583 expressway. An expressway system includes a public
584 transportation facility.

585 (10) "Federal agency" means and includes the United States,
586 the President of the United States, and any department of, or
587 corporation, agency, or instrumentality created, designated, or
588 established by, the United States.

589 (11) "Members" means the membership of the governing body
590 of the agency.

591 (12) "Public transportation facility" means real and
592 personal property, structures, improvements, buildings,
593 personnel, equipment, plant, vehicle parking or other
594 facilities, rights-of-way, or any combination thereof used or
595 useful for the purposes of transporting passengers by means of a
596 street railway, elevated railway or guideway, subway, motor
597 vehicle, motor bus, or any bus or other means of conveyance
598 operating as a common carrier.

599 Section 16. Section 348.0304, Florida Statutes, is created
600 to read:

601 348.0304 Greater Miami Expressway Agency.-

602 (1) The Greater Miami Expressway Agency is created as a
603 body politic and corporate and an agency of the state.

604 (2) (a) The governing body of the agency shall consist of
605 seven voting members, each of whom must be a permanent resident
606 of the county and may not hold elected office. Each member may
607 serve only two 4-year terms. The Miami-Dade County Commission
608 shall appoint four members, of which two members must live in
609 the unincorporated areas of Miami-Dade County within 15 miles of

576-04624-19

2019898c2

610 the area with the highest amount of toll roads. The other two
611 members must live in municipalities of Miami-Dade County, but
612 cannot be from the same municipality. The Governor shall appoint
613 three members living in Miami-Dade County, but such members
614 cannot be from the same municipality.

615 (b) Initial appointments to the governing body of the
616 agency must be made by July 31, 2019. For the purpose of
617 establishing staggered terms, of the initial appointments made
618 by the Governor, one shall serve for a term of 1 year, one shall
619 serve for a term of 2 years, one shall serve for a term of 3
620 years, and one shall serve for a term of four years. A person
621 who served as a member of the governing body of the former
622 Miami-Dade County Expressway Authority may not be appointed to
623 the governing body of the agency.

624 (3) (a) The governing body of the agency shall elect one of
625 its members as its chair and shall elect a secretary and a
626 treasurer, who need not be members of the agency. The chair, the
627 secretary, and the treasurer serve at the will of the agency. A
628 simple majority of the governing body of the agency constitutes
629 a quorum, and the vote of a majority of those members present is
630 necessary for the governing body to take any action. A vacancy
631 does not impair the right of a quorum of the agency to exercise
632 all of the rights and perform all of the duties of the agency.

633 (b) Upon the effective date of his or her appointment, or
634 as soon thereafter as practicable, each member of the agency
635 shall begin to perform his or her duties. The governing body's
636 initial board meeting must take place within 15 days after
637 completion of the initial appointments to the board.

638 (c) Each member of the agency, before entering upon his or

576-04624-19

2019898c2

639 her official duties, shall take and subscribe to an oath before
640 some official authorized by law to administer oaths that he or
641 she will honestly, faithfully, and impartially perform his or
642 her duties as a member of the governing body of the agency and
643 that he or she will not neglect any duties imposed upon him or
644 her by this part.

645 (4) The agency may employ an executive secretary, an
646 executive director, its own counsel and legal staff, technical
647 experts, and such engineers and employees, permanent or
648 temporary, as it may require and shall determine the
649 qualifications and fix the compensation of such persons, firms,
650 or corporations. The agency may employ a fiscal agent or agents;
651 however, the agency must solicit sealed proposals from at least
652 three persons, firms, or corporations for the performance of any
653 services as fiscal agents. The agency may delegate to one or
654 more of its agents or employees such authority as it deems
655 necessary to carry out the purposes of this act, subject always
656 to the supervision and control of the agency. Members of the
657 agency may be removed from office by the Governor for
658 misconduct, malfeasance, misfeasance, or nonfeasance in office.

659 (5) The members of the agency are not entitled to
660 compensation but are entitled to receive their travel and other
661 necessary expenses as provided in s. 112.061.

662 Section 17. Section 348.0305, Florida Statutes, is created
663 to read:

664 348.0305 Ethics requirements-

665 (1) Notwithstanding any other law to the contrary, members
666 and employees of the agency are subject to part III of chapter
667 112.

576-04624-19

2019898c2

668 (2) (a) A lobbyist, as defined in s. 112.3215, may not be
669 appointed or serve as a member of the governing body of the
670 agency.

671 (b) A person may not be appointed to or serve as a member
672 of the governing body of the agency if that person represents,
673 or within the previous 4 years has represented, any client for
674 compensation before the agency or the former Miami-Dade County
675 Expressway Authority.

676 (c) A person may not be appointed to or serve as a member
677 of the governing body of the agency if that person represents,
678 or within the previous 4 years has represented, any person or
679 entity that is doing business, or in the previous 4 years has
680 done business, with the agency or the former Miami-Dade County
681 Expressway Authority.

682 (3) A member or an employee of the agency, including
683 employees of the former Miami-Dade County Expressway Authority,
684 may not:

685 (a) Personally represent another person or entity for
686 compensation before the agency for a period of 2 years after
687 vacating his or her position.

688 (b) After retirement or termination of employment, have an
689 employment or contractual relationship with a business entity
690 other than an agency, as defined in s. 112.312, in connection
691 with a contract in which the member or employee personally and
692 substantially participated through decision, approval,
693 disapproval, recommendation, rendering of advice, or
694 investigation while he or she was a member or employee of the
695 agency.

696 (4) The agency's general counsel shall serve as the

576-04624-19

2019898c2

697 agency's ethics officer.

698 (5) Agency members, employees, and consultants who hold
699 positions that may influence agency decisions shall refrain from
700 engaging in any relationship that may adversely affect their
701 judgment in carrying out agency business. To prevent such
702 conflicts of interest and preserve the integrity and
703 transparency of the agency to the public, the following
704 disclosures must be made annually on a disclosure form:

705 (a) Any relationship that a member, employee, or consultant
706 has which affords a current or future financial benefit to such
707 board member, employee, or consultant, or to a relative or
708 business associate of such member, employee, or consultant, and
709 which a reasonable person would conclude has the potential to
710 create a prohibited conflict of interest. As used in this
711 section, the term "relative" has the same meaning as provided in
712 s. 112.312.

713 (b) Whether a relative of board member, employee, or
714 consultant is a registered lobbyist and, if so, the names of
715 such lobbyist's clients. Such names shall be provided in writing
716 to the ethics officer.

717 (c) Any and all interests in real property that such
718 member, employee, or consultant has, or that an immediate family
719 member of such member, employee, or consultant has, if such real
720 property is located in, or within a 1/2-mile radius of, any
721 actual or prospective agency project. The executive director
722 shall provide a corridor map and a property ownership list
723 reflecting the ownership of all real property within the
724 disclosure area, or an alignment map with a list of associated
725 owners, to all members, employees, and consultants.

576-04624-19

2019898c2

726 (6) The disclosure forms filed as required under subsection
727 (5) must be reviewed by the ethics officer or, if a form is
728 filed by the ethics officer, by the executive director.

729 (7) The conflict of interest policy must be stated in the
730 agency's code of ethics.

731 (8) Agency employees and consultants are prohibited from
732 serving on the governing body of the agency while employed by or
733 under contract with the agency and for a period of 2 years
734 following termination of employment or his or her consultant
735 contract.

736 (9) The code of ethics must be reviewed and updated by the
737 ethics officer and presented for approval by the governing body
738 of the agency at least once every 2 years.

739 (10) Members and employees of the agency must be adequately
740 informed and trained on the code of ethics of the agency and
741 shall participate in ongoing ethics training.

742 (11) The requirements of subsections (4)-(10) are in
743 addition to the requirements imposed on the members and the
744 employees of the agency under part III of chapter 112.

745 (12) Violations of paragraphs (4), (6), and (9) are
746 punishable as provided in s. 112.317.

747 (13) A finding of a violation of this section or part III
748 of chapter 112, or failure to comply within 90 days after
749 receiving a notice of failure to comply with financial
750 disclosure requirements pursuant to s. 112.3144, shall result in
751 immediate termination by the agency.

752 (14) In the event that part III of chapter 112 conflicts
753 with this section, the stricter of the provisions prevails.
754 Nothing herein prevents the agency from imposing ethics policies

576-04624-19

2019898c2

755 that are stricter than those imposed by this subsection or
756 chapter 112.

757 Section 18. Section 348.0306, Florida Statutes, is created
758 to read:

759 348.0306 Purposes and powers.—

760 (1) (a) The agency may acquire, hold, construct, improve,
761 maintain, operate, and own an expressway system.

762 (b) The agency, in the construction of an expressway
763 system, shall construct expressways. Construction of an
764 expressway system may be completed in segments, phases, or
765 stages, in a manner that will permit their expansion to the
766 desired expressway configuration. The agency, in the
767 construction of an expressway system, may construct any
768 extensions of, additions to, or improvements to, the expressway
769 system or appurtenant facilities, including all necessary
770 approaches, roads, bridges, and avenues of access, with such
771 changes, modifications, or revisions of the project which are
772 deemed desirable and proper. The agency may add additional
773 expressways to an expressway system, under the terms and
774 conditions set forth in this act, only with the prior express
775 written consent of the board of county commissioners of the
776 county and only if such additional expressways lack adequate
777 committed funding for implementation, are financially feasible,
778 and are compatible with the existing plans, projects, and
779 programs of the agency.

780 (2) The agency may exercise all rights and authority
781 necessary, appurtenant, convenient, or incidental to the
782 carrying out of its purposes, including, but not limited to, the
783 following rights and authority:

576-04624-19

2019898c2

784 (a) To sue and be sued, implead and be impleaded, and
785 complain and defend in all courts.

786 (b) To adopt, use, and alter at will a corporate seal.

787 (c) To acquire, purchase, hold, lease as lessee, and use
788 any franchise or property, whether real, personal, or mixed and
789 whether tangible or intangible, or any interest therein
790 necessary or desirable for carrying out the purposes of the
791 agency and to sell, lease as lessor, transfer, and dispose of
792 any property or interest therein at any time acquired by it.

793 (d) To enter into and make leases, either as lessee or as
794 lessor, in order to carry out the right to lease as set forth in
795 this act.

796 (e) To fix, alter, charge, establish, and collect tolls,
797 rates, fees, rentals, and other charges for the services and
798 facilities system, which tolls, rates, fees, rentals, and other
799 charges always must be sufficient to comply with any covenants
800 made with the holders of any bonds secured by the net revenues
801 of the expressway system, including any additions, extensions,
802 or improvements thereof. However, such right and power may be
803 assigned or delegated by the agency to the department.

804 1. Notwithstanding any other law to the contrary, the
805 agency may not increase its toll rates until July 1, 2029,
806 including any increase to the extent necessary to adjust for
807 inflation pursuant to the procedure for toll rate adjustments
808 provided in s. 338.165, except as may be necessary to comply
809 with covenants in the trust indentures or resolutions adopted in
810 connection with the agency's bonds secured by the net revenues
811 of the expressway system.

812 2. A toll rate increase must be approved by a two-thirds

576-04624-19

2019898c2

813 vote of the members of the governing body of the agency.

814 3. The amount of toll revenues used for administrative
815 costs by the agency may not exceed 10 percent above the annual
816 state average of administrative costs determined as provided in
817 this subparagraph. The Florida Transportation Commission shall
818 determine the annual state average of administrative costs based
819 on the annual administrative costs of all the expressway
820 authorities in this state. For purposes of this subparagraph,
821 administrative costs include, but are not limited to, employee
822 salaries and benefits, small business outreach, insurance,
823 professional service contracts not directly related to the
824 operation and maintenance of the expressway system, and other
825 overhead costs.

826 4. There must be a distance of at least 5 miles between
827 main through-lane tolling points. The distance requirement of
828 this subparagraph does not apply to entry and exit ramps.
829 However, the toll rates may be such that toll rates per mile are
830 revenue neutral as compared to the toll rates of the former
831 Miami-Dade County Expressway Authority as of July 1, 2019.

832 (f) To borrow money, make and issue negotiable notes,
833 bonds, refund bonds and other evidence of indebtedness of the
834 agency, which bonds or other evidence of indebtedness may be
835 issued pursuant to the State Bond Act or, in the alternative,
836 pursuant to s. 348.0309(2), to finance or refinance additions,
837 extensions, or improvements to the expressway system within the
838 geographic boundaries of the agency, and to provide for the
839 security of the bonds or other evidence of indebtedness and the
840 rights and remedies of the holders of the bonds or other
841 evidence of indebtedness. Any bonds or other evidence of

576-04624-19

2019898c2

842 indebtedness pledging the full faith and credit of the state may
843 be issued only pursuant to the State Bond Act.

844 1. The agency shall reimburse the county in which it exists
845 for any sums expended from any county gasoline tax funds used
846 for payment of such obligations. Any county gasoline tax funds
847 so disbursed shall be repaid in accordance with the terms of any
848 lease-purchase or interlocal agreement with any county or the
849 department together with interest, at the rate agreed to in such
850 agreement. Any county gasoline tax funds may not be more than a
851 secondary pledge of revenues for repayment of any obligations
852 issued pursuant to this part.

853 2. The agency may refund any bonds previously issued, to
854 the extent allowable by federal tax laws, to finance or
855 refinance an expressway system located within the geographic
856 boundaries of the agency regardless of whether the bonds being
857 refunded were issued by such agency, an agency of the state, or
858 a county.

859 (g) To enter contracts and to execute all instruments
860 necessary or convenient for the carrying on of its business.
861 Notwithstanding any other provision of law to the contrary, the
862 agency is subject to the procurement and contracting
863 requirements applicable to the department contained in chapters
864 287 and 337.

865 (h) Without limitation of the foregoing, to borrow money
866 and accept grants from, and to enter into contracts, leases, or
867 other transactions with, any federal agency, the state, any
868 agency of the state, county, or any other public body of the
869 state.

870 (i) To have the power of eminent domain, including the

576-04624-19

2019898c2

871 procedural powers granted under chapters 73 and 74.

872 (j) To pledge, hypothecate, or otherwise encumber all or
873 any part of the revenues, tolls, rates, fees, rentals, or other
874 charges or receipts of the agency, including all or any portion
875 of county gasoline tax funds received by the agency pursuant to
876 the terms of any lease-purchase agreement between the agency and
877 the department, as security for all or any of the obligations of
878 the agency.

879 (k) To do all acts and things necessary or convenient for
880 the conduct of its business and the general welfare of the
881 agency in order to carry out the powers granted to it by law.

882 (3) Notwithstanding any other law to the contrary, the
883 consent of any municipality is not necessary for any project of
884 the agency, regardless of whether the project lies in whole or
885 in part within the boundaries of the municipality, if the
886 project is consistent with the locally adopted comprehensive
887 plan. However, if a project is inconsistent with the affected
888 municipal comprehensive plan, the project may not proceed
889 without a hearing pursuant to ss. 120.569 and 120.57, at which
890 it is determined that the project is consistent with the adopted
891 metropolitan planning organization transportation improvement
892 plan, if any, and the applicable strategic regional plan, and at
893 which regional interests are determined to clearly override the
894 interests of the municipality.

895 (4) The use or pledge of all or any portion of county
896 gasoline tax funds may not be made without the prior express
897 written consent of the board of county commissioners of each
898 county located within the geographic boundaries of the agency.

899 (5) The agency shall comply with all statutory requirements

576-04624-19

2019898c2

900 of general application which relate to the filing of any report
901 or documentation required by law, including the requirements of
902 ss. 189.015, 189.016, 189.051, and 189.08.

903 (6) Notwithstanding subsection (3) or any other law to the
904 contrary, the agency may not undertake any construction that is
905 not consistent with both the metropolitan planning
906 organization's transportation improvement program and the
907 county's comprehensive plan.

908 (7) The agency may finance or refinance the planning,
909 design, acquisition, construction, extension, rehabilitation,
910 equipping, preservation, maintenance, or improvement of a public
911 transportation facility or transportation facilities owned or
912 operated by such county, an intermodal facility or facilities,
913 multimodal corridor or corridors, including, but not limited to,
914 bicycle facilities or greenways that will improve transportation
915 services within the county, or any programs or projects that
916 will improve the levels of service on an expressway system,
917 subject to approval of the governing body of the county after
918 public hearing.

919 (8) The governing body of the county may enter into an
920 interlocal agreement with the agency pursuant to s. 163.01, for
921 the joint performance or performance by either governmental
922 entity of any corporate function of the county or agency
923 necessary or appropriate to enable the agency to fulfill the
924 powers and purposes of this part and promote the efficient and
925 effective transportation of persons and goods in such county.

926 (9) The agency must have an annual financial audit
927 conducted by an independent certified public accountant licensed
928 pursuant to chapter 473, and the audit report must be made

576-04624-19

2019898c2

929 available on the agency's website.

930 Section 19. Section 348.0307, Florida Statutes, is created
931 to read:

932 348.0307 Florida Sunshine Rebate Program-The Florida
933 Sunshine Rebate Program is created within the agency. Subject to
934 compliance with any covenants made with the holders of the
935 agency's bonds which are in the trust indentures or resolutions
936 adopted in connection with the issuance of the agency's bonds,
937 the agency, at the time that any toll is incurred, shall provide
938 a 25 percent rebate to all SunPass holders whose SunPass is
939 registered to a motor vehicle registered in such county. An
940 eligible SunPass holder must be automatically enrolled in such
941 rebate program; however, the agency must be provided a mechanism
942 to allow eligible SunPass holders to opt-out of the program. The
943 agency may not impose additional requirements for receipt of the
944 reduced toll amount.

945 Section 20. Section 348.0308, Florida Statutes, is created
946 to read:

947 348.0308 Public-private partnerships.-The Legislature
948 declares that there is a public need for the rapid construction
949 of safe and efficient transportation facilities for traveling
950 within the state and that it is in the public's interest to
951 provide for public-private partnership agreements to effectuate
952 the construction of additional safe, convenient, and economical
953 transportation facilities.

954 (1) The agency may receive or solicit proposals and enter
955 into agreements with private entities, or consortia thereof, for
956 the building, operation, ownership, or financing of agency
957 transportation facilities or new transportation facilities

576-04624-19

2019898c2

958 within the jurisdiction of the agency which increase
959 transportation capacity. An agency may not sell or lease any
960 transportation facility owned by the agency without providing
961 the analysis required in s. 334.30(6)(e)2. for review and
962 approval by the Legislative Budget Commission created pursuant
963 to s. 11.90 prior to awarding a contract on a lease of an
964 existing toll facility. The agency is authorized to adopt rules
965 to implement this section and shall establish by rule an
966 application fee for the submission of unsolicited proposals
967 under this section. The fee must be sufficient to pay the costs
968 of evaluating the proposals. The agency may engage private
969 consultants to assist in the evaluation. Before approval, the
970 agency must determine that a proposed project:

971 (a) Is in the public's best interest.

972 (b) Would not require state funds to be used unless the
973 project is on, or provides increased mobility on, the State
974 Highway System.

975 (c) Would have adequate safeguards to ensure that no
976 additional costs or service disruptions would be realized by the
977 traveling public and residents of the state in the event of
978 default or the cancellation of the agreement by the agency.

979 (d) Would have adequate safeguards in place to ensure that
980 the department, the agency, or the private entity has the
981 opportunity to add capacity to the proposed project and other
982 transportation facilities serving similar origins and
983 destinations.

984 (e) Would be owned by the agency upon completion or
985 termination of the agreement.

986 (2) The agency shall ensure that all reasonable costs to

576-04624-19

2019898c2

987 the state which are related to transportation facilities that
988 are not part of the State Highway System are borne by the
989 private entity. The agency shall also ensure that all reasonable
990 costs to the state and substantially affected local governments
991 and utilities related to the private transportation facility are
992 borne by the private entity for transportation facilities that
993 are owned by private entities. For projects on the State Highway
994 System, the department may use state resources to participate in
995 funding and financing the project as provided for under the
996 department's enabling legislation.

997 (3) The agency may request proposals for public-private
998 transportation projects or, if it receives an unsolicited
999 proposal, must publish a notice in the Florida Administrative
1000 Register and a newspaper of general circulation in the county in
1001 which it is located at least once a week for 2 weeks, stating
1002 that it has received the proposal and will accept, for 60 days
1003 after the initial date of publication, other proposals for the
1004 same project purpose. A copy of the notice must be mailed to
1005 each local government in the affected areas. After the public
1006 notification period has expired, the agency shall rank the
1007 proposals in order of preference. In ranking the proposals, the
1008 agency shall consider professional qualifications, general
1009 business terms, innovative engineering or cost-reduction terms,
1010 finance plans, and the need for state funds to deliver the
1011 proposal. If the agency is not satisfied with the results of the
1012 negotiations, it may, at its sole discretion, terminate
1013 negotiations with the proposer. If these negotiations are
1014 unsuccessful, the agency may go to the second and lower-ranked
1015 firms, in order, using the same procedure. If only one proposal

576-04624-19

2019898c2

1016 is received, the agency may negotiate in good faith, and if it
1017 is not satisfied with the results, may, at its sole discretion,
1018 terminate negotiations with the proposer. The agency may, at its
1019 discretion, reject all proposals at any point in the process up
1020 to completion of a contract with the proposer.

1021 (4) Agreements entered into pursuant to this section may
1022 authorize the public-private entity to impose tolls or fares for
1023 the use of the facility. However, the amount and use of toll or
1024 fare revenues must be regulated by the agency to avoid
1025 unreasonable costs to users of the facility.

1026 (5) Each public-private transportation facility constructed
1027 pursuant to this section shall comply with all requirements of
1028 federal, state, and local laws; state, regional, and local
1029 comprehensive plans; the agency's rules, policies, procedures,
1030 and standards for transportation facilities; and any other
1031 conditions that the agency determines to be in the public's best
1032 interest.

1033 (6) The agency may exercise any power possessed by it,
1034 including eminent domain, to facilitate the development and
1035 construction of transportation projects pursuant to this
1036 section. The agency may pay all or part of the cost of operating
1037 and maintaining the facility or may provide services to the
1038 private entity for which it receives full or partial
1039 reimbursement for services rendered.

1040 (7) Except as herein provided, this section is not intended
1041 to amend existing laws by granting additional powers to or
1042 further restricting the governmental entities from regulating
1043 and entering into cooperative arrangements with the private
1044 sector for the planning, construction, and operation of

576-04624-19

2019898c2

1045 transportation facilities.

1046 Section 21. Section 348.0309, Florida Statutes, is created
1047 to read:

1048 348.0309 Bonds.—

1049 (1) Bonds may be issued on behalf of the agency as provided
1050 by the State Bond Act.

1051 (2) (a) Pursuant to this part, the agency may issue bonds
1052 that do not pledge the full faith and credit of the state in
1053 such principal amount as, in the opinion of the agency, is
1054 necessary to provide sufficient moneys for achieving its
1055 corporate purposes.

1056 (b) Such bonds, on original issuance or refunding, must be
1057 authorized by resolution of the agency, after approval of the
1058 issuance of the bonds at a public hearing, and may be either
1059 term or serial bonds, must bear such date or dates, mature at
1060 such time or times, bear interest at such rate or rates, be
1061 payable semiannually, be in such denominations, be in such form,
1062 either coupon or fully registered, shall carry such
1063 registration, exchangeability and interchangeability privileges,
1064 be payable in such medium of payment and at such place or
1065 places, be subject to such terms of redemption and be entitled
1066 to such priorities on the revenues, rates, fees, rentals, or
1067 other charges or receipts of the agency including any county
1068 gasoline tax funds received by an agency pursuant to the terms
1069 of any interlocal or lease-purchase agreement between the agency
1070 or a county, as such resolution or any resolution subsequent
1071 thereto may provide. The bonds must be executed by such officers
1072 as the agency determines under the requirements of s. 279.06.

1073 (c) The bonds shall be sold by the agency at public sale by

576-04624-19

2019898c2

1074 competitive bid. However, if the agency, after receipt of a
1075 written recommendation from a financial adviser, determines by
1076 official action after public hearing by a two-thirds vote of all
1077 voting members that a negotiated sale of the bonds is in the
1078 best interest of the agency, the agency may negotiate for sale
1079 of the bonds with the underwriter or underwriters designated by
1080 the agency and the county in which the agency exists. The agency
1081 shall provide specific findings in a resolution as to the
1082 reasons requiring the negotiated sale, which resolution must
1083 incorporate and have attached thereto the written recommendation
1084 of the financial adviser required by this subsection.

1085 (d) Any such resolution authorizing any bonds that do not
1086 pledge the full faith and credit of the state may contain
1087 provisions that are part of the contract with the holders of the
1088 bonds, as the agency determines appropriate. In addition, the
1089 agency may enter into trust indentures or other agreements with
1090 its fiscal agent, or with any bank or trust company within or
1091 without the state, as security for such bonds, and may, under
1092 the agreements, assign and pledge the revenues, rates, fees,
1093 rentals, tolls, or other charges or receipts of the agency,
1094 including any county gasoline tax funds received by the agency.

1095 (e) Any bonds issued pursuant to this part are negotiable
1096 instruments and have all the qualities and incidents of
1097 negotiable instruments under the law merchant and the negotiable
1098 instruments law of the state.

1099 (f) Each project, building, or facility that has been or
1100 will be financed by the issuance of bonds or other evidence of
1101 indebtedness and that does not pledge the full faith and credit
1102 of the state under this part, and any refinancing thereof, is

576-04624-19

2019898c2

1103 subject to review and approval by the Legislative Budget
1104 Commission.

1105 Section 22. Section 348.0310, Florida Statutes, is created
1106 to read:

1107 348.0310 Department may be appointed agent of agency for
1108 construction.—The department may be appointed by the agency as
1109 its agent for the purpose of constructing improvements and
1110 extensions to an expressway system and for the completion
1111 thereof. In such event, the agency shall provide the department
1112 with complete copies of all documents, agreements, resolutions,
1113 contracts, and instruments relating thereto; shall request the
1114 department to do such construction work, including the planning,
1115 surveying, and actual construction of the completion,
1116 extensions, and improvements to the expressway system; and shall
1117 transfer to the credit of an account of the department in the
1118 State Treasury the funds therefor. The department then shall
1119 proceed with such construction and use the funds for such
1120 purpose in the same manner as it is now authorized to use the
1121 funds otherwise provided by law for its use in the construction
1122 of roads and bridges.

1123 Section 23. Section 348.0311, Florida Statutes, is created
1124 to read:

1125 348.0311 Acquisition of lands and property.—

1126 (1) For the purposes of this act, the agency may acquire
1127 such rights, title, or interest in private or public property
1128 and such property rights, including easements, rights of access,
1129 air, view, and light, by gift, devise, purchase, or condemnation
1130 by eminent domain proceedings, as the agency may deem necessary
1131 for any of the purposes of this act, including, but not limited

576-04624-19

2019898c2

1132 to, any lands reasonably necessary for securing applicable
1133 permits, areas necessary for management of access, borrow pits,
1134 drainage ditches, water retention areas, rest areas, replacement
1135 access for landowners whose access is impaired due to the
1136 construction of an expressway system, and replacement rights-of-
1137 way for relocated rail and utility facilities; for existing,
1138 proposed, or anticipated transportation facilities on the
1139 expressway system or in a transportation corridor designated by
1140 the agency; or for the purposes of screening, relocation,
1141 removal, or disposal of junkyards and scrap metal processing
1142 facilities. The agency also may condemn any material and
1143 property necessary for such purposes.

1144 (2) The agency and its authorized agents, contractors, and
1145 employees may enter upon any lands, waters, and premises, upon
1146 giving reasonable notice to the landowner, for the purpose of
1147 making surveys, soundings, drillings, appraisals, environmental
1148 assessments including phase I and phase II environmental
1149 surveys, archaeological assessments, and such other examinations
1150 as are necessary for the acquisition of private or public
1151 property and property rights, including rights of access, air,
1152 view, and light, by gift, devise, purchase, or condemnation by
1153 eminent domain proceedings or as are necessary for the agency to
1154 perform its duties and functions; and any such entry shall not
1155 be deemed a trespass or an entry that would constitute a taking
1156 in an eminent domain proceeding. The agency shall make
1157 reimbursement for any actual damage to such lands, water, and
1158 premises as a result of such activities. Any entry authorized by
1159 this subsection shall be in compliance with the premises
1160 protections and landowner liability provisions contained in s.

576-04624-19

2019898c2

1161 472.029.

1162 (3) The right of eminent domain conferred by this act must
1163 be exercised by the agency in the manner provided by law.

1164 (4) When an agency acquires property for an expressway
1165 system or in a transportation corridor as defined in s. 334.03,
1166 it is not subject to any liability imposed by chapter 376 or
1167 chapter 403 for preexisting soil or groundwater contamination
1168 due solely to its ownership. This subsection does not affect the
1169 rights or liabilities of any past or future owners of the
1170 acquired property nor does it affect the liability of any
1171 governmental entity for the results of its actions which create
1172 or exacerbate a pollution source. The agency and the Department
1173 of Environmental Protection may enter into interagency
1174 agreements for the performance, funding, and reimbursement of
1175 the investigative and remedial acts necessary for property
1176 acquired by the agency.

1177 Section 24. Section 348.0312, Florida Statutes, is created
1178 to read:

1179 348.0312 Cooperation with other units, boards, agencies,
1180 and individuals.—Express authority and power is given and
1181 granted to any county, municipality, drainage district, road and
1182 bridge district, school district, or other political
1183 subdivision, board, commission, or individual in or of this
1184 state to enter into contracts, leases, conveyances, or other
1185 agreements with the agency within the provisions and purposes of
1186 this part. For the purposes of implementing and administering
1187 this part, the agency may enter into contracts, leases,
1188 conveyances, and other agreements with any political
1189 subdivision, agency, or instrumentality of the state and any and

576-04624-19

2019898c2

1190 all federal agencies, corporations, and individuals, to the
1191 extent consistent with chapters 334, 335, 338, and 339 and other
1192 law and with 23 U.S.C. ss. 101 et seq.

1193 Section 25. Section 348.0313, Florida Statutes, is created
1194 to read:

1195 348.0313 Covenant of the state.—The state hereby pledges
1196 to, and agrees with, any person, firm, corporation, or federal
1197 or state agency subscribing to or acquiring the bonds to be
1198 issued by the agency for the purposes of this part that the
1199 state will not limit or alter the rights hereby vested in the
1200 agency and the department until all bonds at any time issued,
1201 together with the interest thereon, are fully paid and
1202 discharged, insofar as the same affects the rights of the
1203 holders of bonds issued hereunder. The state does further pledge
1204 to, and agrees with, the United States that, in the event any
1205 federal agency constructs, or contributes any funds for the
1206 completion, extension, or improvement of an expressway system or
1207 any part or portion thereof, the state will not alter or limit
1208 the rights and powers of the agency and the department in a
1209 manner that would be inconsistent with the continued maintenance
1210 and operation of the expressway system or the completion,
1211 extension, or improvement thereof, or that would be inconsistent
1212 with the due performance of any agreement between the agency and
1213 any such federal agency, and the agency and the department shall
1214 continue to have and may exercise all powers granted so long as
1215 necessary or desirable for carrying out the purposes of this act
1216 and the purposes of the United States in the completion,
1217 extension, or improvement of the expressway system or any part
1218 or portion thereof.

576-04624-19

2019898c2

1219 Section 26. Section 348.0314, Florida Statutes, is created
1220 to read:

1221 348.0314 Exemption from taxation.—The effectuation of the
1222 authorized purposes of the agency is in all respects for the
1223 benefit of the people of this state, for the increase of their
1224 commerce and prosperity, and for the improvement of their health
1225 and living conditions. Therefore, the agency is not required to
1226 pay any taxes or assessments of any kind upon any property
1227 acquired by it or used by it for such purposes or upon any
1228 revenues at any time received by it. The bonds issued by or on
1229 behalf of the agency, their transfer, and the income therefrom,
1230 including any profits made on the sale thereof, are exempt from
1231 taxation of any kind by the state or by any political
1232 subdivision or other taxing agency or instrumentality thereof.
1233 The exemption granted by this section does not apply to any tax
1234 imposed under chapter 220 on interest, income, or profits on
1235 debt obligations owned by corporations.

1236 Section 27. Section 348.0315, Florida Statutes, is created
1237 to read:

1238 348.0315 Public accountability.—

1239 (1) The agency shall post the following information on its
1240 website:

1241 (a) Audited financial statements and any interim financial
1242 reports.

1243 (b) Board and committee meeting agendas, meeting packets,
1244 and minutes.

1245 (c) Bond covenants for any outstanding bond issues.

1246 (d) Agency budgets.

1247 (e) Agency contracts. For purposes of this paragraph, the

576-04624-19

2019898c2

1248 term "contract" means a written agreement or purchase order
1249 issued for the purchase of goods or services or a written
1250 agreement for the receipt of state or federal financial
1251 assistance.

1252 (f) Agency expenditure data, which must include the name of
1253 the payee, the date of the expenditure, and the amount of the
1254 expenditure. Such data must be searchable by name of the payee,
1255 name of the paying agency, and fiscal year and must be
1256 downloadable in a format that allows offline analysis.

1257 (g) Information relating to current, recently completed,
1258 and future projects on authority facilities.

1259 (2) Beginning October 1, 2020, and annually thereafter, the
1260 agency shall submit to the board of county commissioners of the
1261 county and the metropolitan planning organization for that
1262 county a report providing information regarding the amount of
1263 tolls collected and how those tolls were used in the authority's
1264 previous fiscal year. The report shall be posted on the agency's
1265 website.

1266 Section 28. Section 348.0316, Florida Statutes, is created
1267 to read:

1268 348.0316 Eligibility for investments and security.—Any
1269 bonds or other obligations issued pursuant to this part are and
1270 constitute legal investments for banks, savings banks, trustees,
1271 executors, administrators, and all other fiduciaries, and for
1272 all state, municipal and other public funds and also are and
1273 constitute securities eligible for deposit as security for all
1274 state, municipal, or other public funds, notwithstanding any
1275 other law to the contrary.

1276 Section 29. Section 348.0317, Florida Statutes, is created

576-04624-19

2019898c2

1277 to read:

1278 348.0317 Pledges enforceable by bondholders.—It is the
1279 express intention of this part that any pledge by the department
1280 of rates, fees, revenues, county gasoline tax funds or other
1281 funds, as rentals, to the agency, or any covenants or agreements
1282 relative thereto, are enforceable in any court of competent
1283 jurisdiction against the agency or directly against the
1284 department by any holder of bonds issued by agency.

1285 Section 30. Section 348.0318, Florida Statutes, is created
1286 to read:

1287 348.0318 Additional authority.—

1288 (1) The powers conferred by this part are in addition and
1289 supplemental to the existing powers of the board and the
1290 department, and this part may not be construed as repealing any
1291 of the provisions, of any other law, general, special, or local,
1292 but to supersede such other laws in the exercise of the powers
1293 provided in this part, and to provide a complete method for the
1294 exercise of the powers granted in this part. The extension and
1295 improvement of the expressway system, and the issuance of bonds
1296 pursuant to this part to finance all or part of the cost of the
1297 system, may be accomplished upon compliance with this part
1298 without regard to or necessity for compliance with the
1299 provisions, limitations, or restrictions contained in any other
1300 general, special, or local law, including, but not limited to,
1301 s. 215.821, and no approval of any bonds issued under this part
1302 by the qualified electors or qualified electors who are
1303 freeholders in the state or in Miami-Dade County, or in any
1304 other political subdivision of the state, is required for the
1305 issuance of such bonds pursuant to this part, including, but not

576-04624-19

2019898c2

1306 limited to s. 215.821.

1307 (2) This part does not repeal, rescind, or modify any other
1308 law relating to the State Board of Administration, the
1309 Department of Transportation, or the Division of Bond Finance of
1310 the State Board of Administration, but supersedes any law that
1311 is inconsistent with this part, including, but not limited to,
1312 s. 215.821.

1313 Section 31. (1) Effective upon this act becoming a law, the
1314 governance and control of the Miami-Dade County Expressway
1315 Authority is transferred to the Greater Miami Expressway Agency
1316 pursuant to the terms of this section. The assets, facilities,
1317 tangible and intangible property and any rights in such
1318 property, and any other legal rights of the authority, including
1319 the expressway system operated by the authority, are transferred
1320 to the agency. The agency succeeds to all powers of the
1321 authority, and the operations and maintenance of the expressway
1322 system is under the control of the agency. Revenues collected on
1323 the expressway system are considered agency revenues but are
1324 subject to the lien of the trust indentures securing the Miami-
1325 Dade County Expressway Authority bonds. The agency also assumes
1326 all liability for bonds of the authority pursuant to subsection
1327 (2) and the satisfaction of any judgment against the authority
1328 that may ultimately become due as a result of litigation
1329 commenced prior to the effective date of this act. The agency
1330 shall, in consultation with the Division of Bond Finance, review
1331 all other contracts, financial obligations, and contractual
1332 relationships and liabilities of the authority, and the agency
1333 may assume responsibility for the obligations that are
1334 determined to be necessary or desirable for the continued

576-04624-19

2019898c2

1335 operation of the expressway system. Employees, officers, and
1336 members of the authority may not sell, dispose, encumber,
1337 transfer, or expend the assets of the authority as existed and
1338 reflected in the authority's financial statements for the fiscal
1339 year ended June 30, 2018, other than in the ordinary course of
1340 business. For purposes of this section, incurring debt or
1341 issuing bonds for projects contained in the 5-year work program
1342 approved and adopted by the authority on December 5, 2017, is
1343 not considered the ordinary course of business. Notwithstanding
1344 the foregoing, nothing contained herein shall prevent the
1345 authority from designing and planning projects contained in the
1346 5-year work program approved and adopted by the authority on
1347 December 5, 2017. The S.R. 836/Dolphin Expressway Southwest
1348 Extension to SW 136th Street, commonly referred to as the
1349 Kendall Parkway, shall be prioritized for planning and design
1350 and shall commence construction prior to year 2022. In addition,
1351 the project may not be negatively impacted by any loss of
1352 revenue resulting from a rate reduction by the Greater Miami
1353 Expressway Agency or the Greater Miami Expressway Agency
1354 consumer rebate for SunPass holders.

1355 (2) The transfer pursuant to this section is subject to all
1356 terms and covenants provided for the protection of the holders
1357 of the Miami-Dade County Expressway Authority bonds in the trust
1358 indentures or resolutions adopted in connection with the
1359 issuance of such bonds. Further, the transfer does not impair
1360 the terms of the contract between the authority and the
1361 bondholders, does not act to the detriment of the bondholders,
1362 and does not diminish the security for the bonds. After the
1363 transfer, the agency shall operate and maintain the expressway

576-04624-19

2019898c2

1364 system and any other facilities of the authority in accordance
1365 with the terms, conditions, and covenants contained in the trust
1366 indentures or bond resolutions securing such bonds. The agency
1367 shall collect toll revenues and apply them to the payment of
1368 debt service as provided in the trust indentures or bond
1369 resolutions securing such bonds and expressly assumes all
1370 obligations relating to the bonds to ensure that the transfer of
1371 the authority will not have any adverse impact on the security
1372 for the bonds of the authority.

1373 Section 32. The Miami-Dade County Expressway Authority is
1374 dissolved.

1375 Section 33. Section 348.635, Florida Statutes, is created
1376 to read:

1377 348.635 Public-private partnership.—The Legislature
1378 declares that there is a public need for the rapid construction
1379 of safe and efficient transportation facilities for traveling
1380 within the state and that it is in the public's interest to
1381 provide for public-private partnership agreements to effectuate
1382 the construction of additional safe, convenient, and economical
1383 transportation facilities.

1384 (1) Notwithstanding any other provision of this part, the
1385 authority may receive or solicit proposals and enter into
1386 agreements with private entities, or consortia thereof, for the
1387 building, operation, ownership, or financing of authority
1388 transportation facilities or new transportation facilities
1389 within the jurisdiction of the authority which increase
1390 transportation capacity. The authority may not sell or lease any
1391 transportation facility owned by the authority without providing
1392 the analysis required in s. 334.30(6)(e)2. to the Legislative

576-04624-19

2019898c2

1393 Budget Commission created pursuant to s. 11.90 for review and
1394 approval before awarding a contract on a lease of an existing
1395 toll facility. The authority may adopt rules to implement this
1396 section and shall establish by rule an application fee for the
1397 submission of unsolicited proposals under this section. The fee
1398 must be sufficient to pay the costs of evaluating the proposals.
1399 The authority may engage private consultants to assist in the
1400 evaluation. Before approval, the authority must determine that a
1401 proposed project:

1402 (a) Is in the public's best interest.

1403 (b) Would not require state funds to be used unless the
1404 project is on or provides increased mobility on the State
1405 Highway System.

1406 (c) Would have adequate safeguards to ensure that no
1407 additional costs or service disruptions would be realized by the
1408 traveling public and residents of the state in the event of
1409 default or the cancellation of the agreement by the authority.

1410 (d) Would have adequate safeguards in place to ensure that
1411 the department, the authority, or the private entity has the
1412 opportunity to add capacity to the proposed project and other
1413 transportation facilities serving similar origins and
1414 destinations.

1415 (e) Would be owned by the authority upon completion or
1416 termination of the agreement.

1417 (2) The authority shall ensure that all reasonable costs to
1418 the state which are related to transportation facilities that
1419 are not part of the State Highway System are borne by the
1420 private entity. The authority also shall ensure that all
1421 reasonable costs to the state and substantially affected local

576-04624-19

2019898c2

1422 governments and utilities related to the private transportation
1423 facility are borne by the private entity for transportation
1424 facilities that are owned by private entities. For projects on
1425 the State Highway System, the department may use state resources
1426 to participate in funding and financing the project as provided
1427 for under the department's enabling legislation.

1428 (3) The authority may request proposals for public-private
1429 transportation projects or, if it receives an unsolicited
1430 proposal, it must publish a notice in the Florida Administrative
1431 Register and a newspaper of general circulation in the county in
1432 which it is located at least once a week for 2 weeks stating
1433 that it has received the proposal and will accept, for 60 days
1434 after the initial date of publication, other proposals for the
1435 same project purpose. A copy of the notice must be mailed to
1436 each local government in the affected areas. After the public
1437 notification period has expired, the authority shall rank the
1438 proposals in order of preference. In ranking the proposals, the
1439 authority shall consider professional qualifications, general
1440 business terms, innovative engineering or cost-reduction terms,
1441 finance plans, and the need for state funds to deliver the
1442 proposal. If the authority is not satisfied with the results of
1443 the negotiations, it may, at its discretion, terminate
1444 negotiations with the proposer. If these negotiations are
1445 unsuccessful, the authority may go to the second and lower-
1446 ranked firms, in order, using the same procedure. If only one
1447 proposal is received, the authority may negotiate in good faith,
1448 and, if it is not satisfied with the results, may, at its sole
1449 discretion, terminate negotiations with the proposer. The
1450 authority may, at its discretion, reject all proposals at any

576-04624-19

2019898c2

1451 point in the process up to completion of a contract with the
1452 proposer.

1453 (4) Agreements entered into pursuant to this section may
1454 authorize the public-private entity to impose tolls or fares for
1455 the use of the facility. However, the amount and use of toll or
1456 fare revenues must be regulated by the authority to avoid
1457 unreasonable costs to users of the facility.

1458 (5) Each public-private transportation facility constructed
1459 pursuant to this section shall comply with all requirements of
1460 federal, state, and local laws; state, regional, and local
1461 comprehensive plans; the authority's rules, policies,
1462 procedures, and standards for transportation facilities; and any
1463 other conditions that the authority determines to be in the
1464 public's best interest.

1465 (6) The authority may exercise any power possessed by it,
1466 including eminent domain, to facilitate the development and
1467 construction of transportation projects pursuant to this
1468 section. The authority may pay all or part of the cost of
1469 operating and maintaining the facility or may provide services
1470 to the private entity for which it receives full or partial
1471 reimbursement for services rendered.

1472 (7) Except as herein provided, this section is not intended
1473 to amend existing laws by granting additional powers to or
1474 further restricting the governmental entities from regulating
1475 and entering into cooperative arrangements with the private
1476 sector for the planning, construction, and operation of
1477 transportation facilities.

1478 Section 34. Section 348.7605, Florida Statutes, is created
1479 to read:

576-04624-19

2019898c2

1480 348.7605 Public-private partnership.—The Legislature
1481 declares that there is a public need for the rapid construction
1482 of safe and efficient transportation facilities for traveling
1483 within the state and that it is in the public's interest to
1484 provide for public-private partnership agreements to effectuate
1485 the construction of additional safe, convenient, and economical
1486 transportation facilities.

1487 (1) Notwithstanding any other provision of this part, the
1488 authority may receive or solicit proposals and enter into
1489 agreements with private entities, or consortia thereof, for the
1490 building, operation, ownership, or financing of authority
1491 transportation facilities or new transportation facilities
1492 within the jurisdiction of the authority which increase
1493 transportation capacity. The authority may not sell or lease any
1494 transportation facility owned by the authority without providing
1495 the analysis required in s. 334.30(6)(e)2. to the Legislative
1496 Budget Commission created pursuant to s. 11.90 for review and
1497 approval before awarding a contract on a lease of an existing
1498 toll facility. The authority may adopt rules to implement this
1499 section and shall, by rule, establish an application fee for the
1500 submission of unsolicited proposals under this section. The fee
1501 must be sufficient to pay the costs of evaluating the proposals.
1502 The authority may engage private consultants to assist in the
1503 evaluation. Before approval, the authority must determine that a
1504 proposed project:

1505 (a) Is in the public's best interest.

1506 (b) Would not require state funds to be used unless the
1507 project is on or provides increased mobility on the State
1508 Highway System.

576-04624-19

2019898c2

1509 (c) Would have adequate safeguards to ensure that no
1510 additional costs or service disruptions would be realized by the
1511 traveling public and residents of the state in the event of
1512 default or the cancellation of the agreement by the authority.

1513 (d) Would have adequate safeguards in place to ensure that
1514 the department, the authority, or the private entity has the
1515 opportunity to add capacity to the proposed project and other
1516 transportation facilities serving similar origins and
1517 destinations.

1518 (e) Would be owned by the authority upon completion or
1519 termination of the agreement.

1520 (2) The authority shall ensure that all reasonable costs to
1521 the state which are related to transportation facilities that
1522 are not part of the State Highway System are borne by the
1523 private entity. The authority shall also ensure that all
1524 reasonable costs to the state and substantially affected local
1525 governments and utilities related to the private transportation
1526 facility are borne by the private entity for transportation
1527 facilities that are owned by private entities. For projects on
1528 the State Highway System, the department may use state resources
1529 to participate in funding and financing the project as provided
1530 for under the department's enabling legislation.

1531 (3) The authority may request proposals for public-private
1532 transportation projects or, if it receives an unsolicited
1533 proposal, it must publish a notice in the Florida Administrative
1534 Register and a newspaper of general circulation in the county in
1535 which it is located at least once a week for 2 weeks stating
1536 that it has received the proposal and will accept, for 60 days
1537 after the initial date of publication, other proposals for the

576-04624-19

2019898c2

1538 same project purpose. A copy of the notice must be mailed to
1539 each local government in the affected areas. After the public
1540 notification period has expired, the authority shall rank the
1541 proposals in order of preference. In ranking the proposals, the
1542 authority shall consider professional qualifications, general
1543 business terms, innovative engineering or cost-reduction terms,
1544 finance plans, and the need for state funds to deliver the
1545 proposal. If the authority is not satisfied with the results of
1546 the negotiations, it may, at its sole discretion, terminate
1547 negotiations with the proposer. If these negotiations are
1548 unsuccessful, the authority may go to the second and lower-
1549 ranked firms, in order, using the same procedure. If only one
1550 proposal is received, the authority may negotiate in good faith,
1551 and if it is not satisfied with the results, it may, at its sole
1552 discretion, terminate negotiations with the proposer. The
1553 authority may, at its discretion, reject all proposals at any
1554 point in the process up to completion of a contract with the
1555 proposer.

1556 (4) Agreements entered into pursuant to this section may
1557 authorize the public-private entity to impose tolls or fares for
1558 the use of the facility. However, the amount and use of toll or
1559 fare revenues shall be regulated by the authority to avoid
1560 unreasonable costs to users of the facility.

1561 (5) Each public-private transportation facility constructed
1562 pursuant to this section shall comply with all requirements of
1563 federal, state, and local laws; state, regional, and local
1564 comprehensive plans; the authority's rules, policies,
1565 procedures, and standards for transportation facilities; and any
1566 other conditions that the authority determines to be in the

576-04624-19

2019898c2

1567 public's best interest.

1568 (6) The authority may exercise any power possessed by it,
1569 including eminent domain, to facilitate the development and
1570 construction of transportation projects pursuant to this
1571 section. The authority may pay all or part of the cost of
1572 operating and maintaining the facility or may provide services
1573 to the private entity for which it receives full or partial
1574 reimbursement for services rendered.

1575 (7) Except as herein provided, this section is not intended
1576 to amend existing laws by granting additional powers to or
1577 further restricting the governmental entities from regulating
1578 and entering into cooperative arrangements with the private
1579 sector for the planning, construction, and operation of
1580 transportation facilities.

1581 Section 35. Pursuant to section 20 of chapter 2014-171,
1582 Laws of Florida, part V of chapter 348, Florida Statutes,
1583 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
1584 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
1585 348.9961, is repealed.

1586 Section 36. The Office of Program Policy Analysis and
1587 Government Accountability shall conduct a feasibility analysis
1588 of the Florida Turnpike Enterprise conducting a rebate program
1589 for SunPass users. The office shall submit a report of its
1590 finding and recommendations to the Governor, the President of
1591 the Senate, and the Speaker of the House of Representatives no
1592 later than December 1, 2019.

1593 Section 37. Except as otherwise expressly provided in this
1594 act and except for this section, which shall take effect upon
1595 this act becoming a law, this act shall take effect July 1,

576-04624-19

2019898c2

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